

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**JANICE CASINO FERNANDEZ**

Case No. 2012-764

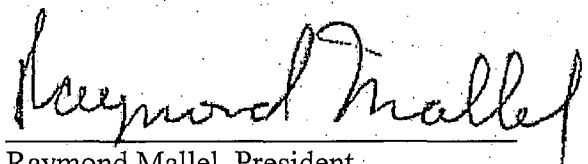
Respondent

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **November 15, 2012.**

IT IS SO ORDERED **October 16, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

12 **JANICE CASINO FERNANDEZ**

13 Respondent.

Case No. 2012-764

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

[Bus. & Prof. Code § 495]

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
17 entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Interim Executive Officer of  
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
21 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
22 Jonathan D. Cooper, Deputy Attorney General.

23 2. Respondent Janice Casino Fernandez (Respondent) is representing herself in this  
24 proceeding and has chosen not to exercise her right to be represented by counsel.

25 3. On or about October 24, 2011, Respondent filed an application dated October 20,  
26 2011, with the Board of Registered Nursing to obtain a registered nurse license.

27 **JURISDICTION**

28 4. Statement of Issues No. 2012-764 was filed before the Board of Registered Nursing.

1 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
2 Statement of Issues and all other statutorily required documents were properly served on  
3 Respondent on June 26, 2012. A copy of Statement of Issues No. 2012-764 is attached as exhibit  
4 A and incorporated herein by reference.

5 **ADVISEMENT AND WAIVERS**

6 5. Respondent has carefully read, and understands the charges and allegations in  
7 Statement of Issues No. 2012-764. Respondent has also carefully read, and understands the  
8 effects of this Stipulated Settlement and Disciplinary Order for Public Repeval,

9 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
10 hearing on the charges and allegations in the Statement of Issues; the right to be represented by  
11 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the  
12 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas  
13 to compel the attendance of witnesses and the production of documents; the right to  
14 reconsideration and court review of an adverse decision; and all other rights accorded by the  
15 California Administrative Procedure Act and other applicable laws.

16 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
17 every right set forth above.

18 **CULPABILITY**

19 8. Respondent admits the truth of each and every charge and allegation in Statement of  
20 Issues No. 2012-764.

21 9. Respondent agrees that her application is subject to denial and she agrees to be bound  
22 by the Board's terms as set forth in the Disciplinary Order below.

23 10. Respondent understands and agrees that the Disciplinary Order for Public Repeval  
24 that will be ordered as a result of this stipulation, once Respondent's license is issued, shall  
25 constitute the imposition of discipline against that license.

26 **CONTINGENCY**

27 11. This stipulation shall be subject to approval by the Board of Registered Nursing.  
28 Respondent understands and agrees that counsel for Complainant and the staff of the Board of

1 Registered Nursing may communicate directly with the Board regarding this stipulation and  
2 settlement, without notice to or participation by Respondent. By signing the stipulation,  
3 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
4 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
5 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for  
6 Public Repeval shall be of no force or effect, except for this paragraph, it shall be inadmissible in  
7 any legal action between the parties, and the Board shall not be disqualified from further action  
8 by having considered this matter.

9 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
10 and Disciplinary Order for Public Repeval, including facsimile signatures thereto, shall have the  
11 same force and effect as the originals.

12 13. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by  
13 the parties to be an integrated writing representing the complete, final, and exclusive embodiment  
14 of their agreement. It supersedes any and all prior or contemporaneous agreements,  
15 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated  
16 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,  
17 supplemented, or otherwise changed except by a writing executed by an authorized representative  
18 of each of the parties.

19 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
20 the Board may, without further notice or formal proceeding, issue and enter the following  
21 Disciplinary Order:

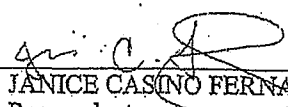
22 **DISCIPLINARY ORDER**

23 IT IS HEREBY ORDERED that the application of Respondent Janice Casino Fernandez for  
24 licensure is hereby granted. Upon successful completion of the licensure examination and all  
25 other licensing requirements, a license shall be issued to Respondent. Said license shall  
26 immediately be publicly reprovod via a letter of public reprovod, which letter shall constitute the  
27 formal imposition of discipline against Respondent's registered nursing license. The letter shall  
28 be in substantially the same form as the letter attached as Exhibit B of this stipulation.

1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reapproval.  
3 I understand the stipulation and the effect it will have on my application and on my license, once  
4 it is issued. I enter into this Stipulated Settlement and Disciplinary Order for Public Reapproval  
5 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
6 Board of Registered Nursing.

7 DATED: 6/24/2012

8   
JANICE CASINO FERNANDEZ  
Respondent

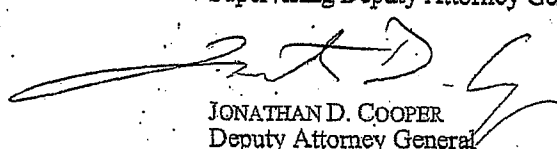
9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby  
11 respectfully submitted for consideration by the Board of Registered Nursing of the Department of  
12 Consumer Affairs.

13  
14 Dated: 7/25/12

Respectfully submitted,

15 KAMALA D. HARRIS  
16 Attorney General of California  
17 FRANK H. PACOE  
Supervising Deputy Attorney General

18   
19 JONATHAN D. COOPER  
20 Deputy Attorney General  
21 Attorneys for Complainant

**Exhibit A**

**Statement of Issues No. 2012-764**

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General  
JONATHAN D. COOPER  
Deputy Attorney General  
State Bar No. 141461  
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San Francisco, CA 94102-7004  
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Facsimile: (415) 703-5480  
*Attorneys for Complainant*

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues  
Against:

**JANICE CASINO FERNANDEZ**

Respondent.

Case No.

*2012-764*

**STATEMENT OF ISSUES**

Complainant alleges:

**PARTIES**

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (Board).

2. On or about October 24, 2011, the Board received an application for licensure as a registered nurse from Janice Casino Fernandez (Respondent). On or about October 20, 2011, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on March 16, 2012.

**JURISDICTION**

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section **480** of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license.

5. Section **2761** of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an



1 application for a certificate or license for any of the following:

2 ...  
3 (f) Conviction of a felony or of any offense substantially related to the qualifications,  
4 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
5 conclusive evidence thereof.  
6 ...

7 6. Section **2762** of the Code states, in pertinent part:

8 In addition to other acts constituting unprofessional conduct within the meaning of this  
9 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the  
10 following:  
11 ...

12 (b) Use any controlled substance as defined in Division 10 (commencing with Section  
13 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
14 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
15 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
16 ability to conduct with safety to the public the practice authorized by his or her license.

17 (c) Be convicted of a criminal offense involving the prescription, consumption, or self-  
18 administration of any of the substances described in subdivisions (a) and (b) of this section, or the  
19 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
20 of this section, in which event the record of the conviction is conclusive evidence thereof.  
21 ...

22 7. Section **2765** of the Code states:

23 A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
24 charge substantially related to the qualifications, functions and duties of a registered nurse is  
25 deemed to be a conviction within the meaning of this article. The board may order the license or  
26 certificate suspended or revoked, or may decline to issue a license or certificate, when the time  
27 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an  
28 order granting probation is made suspending the imposition of sentence, irrespective of a

1 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person  
2 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict  
3 of guilty, or dismissing the accusation, information or indictment.

4 **FIRST CAUSE FOR DENIAL OF APPLICATION**

5 (Criminal Conviction)

6 8. Respondent's application is subject to denial under Code sections 480(a)(1) and  
7 2761(f) in that she has been convicted of a crime substantially related to the qualifications,  
8 functions or duties of a registered nurse. The circumstances are as follows:

9 9. On or about September 7, 2011, in Santa Clara Superior Court case number  
10 B1049936, Respondent was convicted of having violated California Vehicle Code section  
11 23152(b) (driving with excessive blood alcohol level). The conviction was based on an incident  
12 which occurred on September 4, 2010, during which Respondent drove a vehicle the wrong  
13 direction down a one-way street while her blood alcohol level was .18%.

14 **SECOND CAUSE FOR DENIAL OF APPLICATION**

15 (Alcohol-Related Act and Conviction)

16 10. Respondent's application is subject to denial under Code sections 480(a)(2), 2761(a)  
17 and 2762, subsections (b) and (c), in that she has been convicted of a crime involving the  
18 consumption or self-administration of alcohol and has used alcohol in a manner dangerous to  
19 herself, other persons and the public. The circumstances are as follows:

20 11. On or about September 7, 2011, in Santa Clara Superior Court case number  
21 B1049936, Respondent was convicted of having violated California Vehicle Code section  
22 23152(b) (driving with excessive blood alcohol level). The conviction was based on an incident  
23 which occurred on September 4, 2010, during which Respondent drove a vehicle the wrong  
24 direction down a one-way street while her blood alcohol level was .18%.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Registered Nursing issue a decision:

28 1. Denying the application of Janice Casino Fernandez for licensure as a registered

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nurse;

2. Taking such other and further action as deemed necessary and proper.

DATED:

June 26, 2012

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

**Exhibit B**

**Letter of Public Reproval in Case No. 2012-764**

**Board of Registered Nursing**  
P O Box 944210, Sacramento, CA 94244-2100  
P (916) 322-3350 | [www.rn.ca.gov](http://www.rn.ca.gov)  
**Louise R. Bailey, M.ED., RN, Executive Officer**



October 16, 2012

Janice Casino Fernandez  
85 Estabrook Street, Apt. #204  
San Leandro, CA 94577

RE: LETTER OF PUBLIC REPROVAL  
In the Matter of the Statement of Issues Against:  
Janice Casino Fernandez

Dear Ms. Fernandez:

On June 26, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed a Statement of Issues against you. The Statement of Issues alleged that you engaged in unprofessional conduct under Business and Professions Code sections 480(a), 2761(f) and 2762. On September 4, 2010, you drove while under the influence of alcohol. You were subsequently convicted for that misconduct.

Taking into consideration the fact that this was your only criminal conviction and your only incident of this sort, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice registered nursing, the Board has decided that the charges warrant a Public Reproval.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproval. This letter of public reproval constitutes formal discipline against your registered nursing license.

Sincerely,

*Louise R. Bailey M.Ed., RN*  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California